

Introduced by Senator Ashburn

February 17, 2009

An act to amend Sections 87482, 87482.6, and 87482.7 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 182, as introduced, Ashburn. Community college nursing faculty.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law authorizes the governing board of a district to employ a person serving as full-time faculty or part-time faculty but prohibits employment of a person as a temporary faculty member by any one district for more than 2 semesters or 3 quarters, except that a person serving as full-time or part-time clinical nursing faculty may be employed as a temporary faculty member for up to 4 semesters or 6 quarters within any period of 3 consecutive years between July 1, 2007, and June 30, 2014.

This bill would delete the limitation that temporary clinical nursing faculty be employed for not more than 4 semesters or 6 quarters. The bill would make conforming changes.

(2) Existing law requires the board of governors to adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction taught by full-time instructors.

This bill would exclude the percentage of hours of credit instruction taught by full-time clinical nursing faculty from the minimum standards and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482 of the Education Code is amended
2 to read:

3 87482. (a) (1) Notwithstanding Section 87480, the governing
4 board of a community college district may employ any qualified
5 individual as a temporary faculty member for a complete school
6 year but not less than a complete semester or quarter during a
7 school year. The employment of those persons shall be based upon
8 the need for additional faculty during a particular semester or
9 quarter because of the higher enrollment of students during that
10 semester or quarter as compared to the other semester or quarter
11 in the academic year, or because a faculty member has been granted
12 leave for a semester, quarter, or year, or is experiencing long-term
13 illness, and shall be limited, in number of persons so employed,
14 to that need, as determined by the governing board.

15 (2) Employment of a person under this subdivision may be
16 pursuant to contract fixing a salary for the entire semester or
17 quarter.

18 (b) No person, ~~other than a person serving as clinical nursing~~
19 ~~faculty and exempted from this subdivision pursuant to paragraph~~
20 ~~(4) of subdivision (c)~~, shall be employed by any one district under
21 this section for more than two semesters or three quarters within
22 any period of three consecutive years.

23 (c) (1) Notwithstanding subdivision (b), a person serving as
24 full-time clinical nursing faculty or as part-time clinical nursing
25 faculty teaching 60 percent or more of the hours per week
26 considered a full-time assignment for regular employees may be
27 employed by any one district under this section ~~for up to four~~
28 ~~semesters or six quarters within any period of three consecutive~~
29 ~~academic years~~ between July 1, 2007, and June 30, 2014, inclusive.

30 (2) A district that employs faculty pursuant to this subdivision
31 shall provide data to the chancellor's office as to how many faculty
32 members were hired under this subdivision, and what the ratio of

1 full-time to part-time faculty was for each of the three academic
2 years prior to the hiring of faculty under this subdivision and for
3 each academic year for which faculty is hired under this
4 subdivision. This data shall be submitted, in writing, to the
5 chancellor's office on or before June 30, 2012.

6 (3) The chancellor shall report, in writing, to the Legislature
7 and the Governor on or before September 30, 2012, in accordance
8 with data received pursuant to paragraph (2), how many districts
9 hired faculty under this subdivision, how many faculty members
10 were hired under this subdivision, and what the ratio of full-time
11 to part-time faculty was for these districts in each of the three
12 academic years prior to the operation of this subdivision and for
13 each academic year for which faculty is hired under this
14 subdivision.

15 ~~(4) A district may not employ a person pursuant to this~~
16 ~~subdivision if the hiring of that person results in an increase in the~~
17 ~~ratio of part-time to full-time nursing faculty in that district.~~

18 SEC. 2. Section 87482.6 of the Education Code is amended to
19 read:

20 87482.6. (a) Until the provisions of Section 84750 regarding
21 program-based funding are implemented by a standard adopted
22 by the board of governors that establishes the appropriate
23 percentage of hours of credit instruction that should be taught by
24 full-time instructors, the Legislature wishes to recognize and make
25 efforts to address longstanding policy of the board of governors
26 that at least 75 percent of the hours of credit instruction in the
27 California Community Colleges, as a system, should be taught by
28 full-time instructors. To this end, community college districts
29 which have less than 75 percent of their hours of credit instruction
30 taught by full-time instructors shall apply a portion of the program
31 improvement allocation received pursuant to Section 84755 as
32 follows:

33 (1) Districts which, in the prior fiscal year, had between 67
34 percent and 75 percent of their hours of credit instruction taught
35 by full-time instructors shall apply up to 33 percent of their
36 program improvement allocation as necessary to reach the 75
37 percent standard. If a district in this category chooses instead not
38 to improve its percentage, the board of governors shall withhold
39 33 percent of the district's program improvement allocation.

(2) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 40 percent of the district's program improvement allocation.

Districts which maintain 75 percent or more of their hours of credit instruction taught by full-time instructors shall otherwise be free to use their program improvement allocation for any of the purposes specified in Section 84755.

(b) The board of governors shall adopt regulations for the effective administration of this section. Unless and until amended by the board of governors, the regulations shall provide as follows:

(1) In computing the percentage of hours of credit instruction taught by full-time instructors, the hours of overload teaching by full-time instructors shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(2) A full-time instructor shall be defined as any regular and contract faculty member teaching credit instruction.

(3) The chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district. This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide average hourly rate of compensation for part-time instructors times the statewide average full-time teaching load). If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If this quotient, once applied, will result in the district exceeding the 75 percent standard, the chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

1 By March 15th of each year, the chancellor shall report to each
2 district an estimate of the number of FTF to be secured based upon
3 the appropriation of revenues contained in the annual Budget Bill.

4 (4) On or before December 31, 1991, the chancellor shall
5 determine the extent to which each district, by September 30, 1991,
6 has hired the number of FTF determined pursuant to paragraph
7 (3) for the 1989–90 and 1990–91 fiscal years. To the extent that
8 the cumulative number of FTF have not been retained, the
9 chancellor shall reduce the district’s base budget for 1991–92 and
10 subsequent fiscal years by an amount equivalent to the average
11 replacement cost times the deficiency in the number of FTF.

12 *(c) For purposes of this section, the percentage of hours of*
13 *credit instruction shall exclude the hours taught by part-time and*
14 *full-time clinical nursing faculty.*

15 SEC. 3. Section 87482.7 of the Education Code is amended to
16 read:

17 87482.7. (a) The board of governors shall, pursuant to
18 paragraph (6) of subdivision (b) of Section 70901, adopt regulations
19 that establish minimum standards regarding the percentage of hours
20 of credit instruction that shall be taught by full-time instructors.

21 (b) Upon notification by the board of governors, the Department
22 of Finance shall transfer any money deducted from district
23 apportionments pursuant to the regulations adopted under this
24 section. This money shall be transferred to the Employment
25 Opportunity Fund pursuant to Section 87107.

26 *(c) The minimum standards established under subdivision (a)*
27 *shall exclude the hours of credit instruction taught by part-time*
28 *and full-time clinical nursing faculty.*